

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Division

Case No.

21-CV-3101

(to be filled in by the Clerk's Office)

Andy Ortiz

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

C/O: S. Blacksheer, C/O: A. Jones
Sgt. V. White, LT. G. Malloy, C/O: C. Carmora
C/O: Robinson, LT. Cheek, C/O: L. Jones, Deputy
Warden: E. Cruz, Deputy Warden: R. Rose, Blanch Carey
PDP Commissioner Defendant(s) C.F. CF

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name _____

All other names by which
you have been known:

ID Number _____

Current Institution _____

Address _____

Andy Ortiz PP#1212917
Wyo Snoop, Lilu, Andrew, Emmanuel
MR. Ortiz
PP#1212917
Curran-Framhold-Correctional-Facility
7901 State Road
Philadelphia PA 19136
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

C/O: S. BlackSheer
Correctional Officer
Badge # unknown
Curran-Framhold-Correctional-Facility
7901 State Road
Philadelphia PA 19136
City State Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

C/O: A. Jones
Correctional Officer
Badge # unknown
Curran-Framhold-Correctional-Facility
7901 State Road
Philadelphia PA 19136
City State Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name C/O : C. Carmona
 Job or Title (if known) Correctional officer
 Shield Number Badge # unknown
 Employer Cuman-Framhold-Correctional Facility
 Address 7901 State Road
Philadelphia PA 19136
 City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name LT. G. Malloy
 Job or Title (if known) Super Visor
 Shield Number Badge # unknown
 Employer Philadelphia Prison System
 Address 7901 State Road
Philadelphia PA 19136
 City State Zip Code
☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

My Due process clause, Restrictive or inhumane conditions of confinement
Use of excessive force by guards. Failure to provide adequate exhaustion of Administrative
Remedies. See, Farmer v. Brennan when prison official ignore serious danger. 8th amendment
Federal rights, Bill of rights, Constitutional rights. 5th amendment See, Wong Wing v. U.S.
Dealing with violent and abuse and retaliation, protect. Conduct 1st amendment right, adverse action
causal connection. Campaign of harassment, See, Gomez v. Vernon. 255. Serious medical need

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

C/O. S. Blacksheer have inmate to assault me due to me reporting him to P-I-LP
 C/O. A. Jones have inmates to assault me too inmates Rashone Camber, Donte Parker, Eric McDail
 where the one who assaulted me. Nov. 6 or Oct 6 I reported to this to P-I-LP
 Sgt. V. White and LT. G. Malloy and Deputy warden Cruz and Deputy warden Rose and Blanche Carney
 wrote grievances to insure of my safe while on protective custody but had failed to do so
 when I asked for house alone status was refuse by all of them. C/O. C. Carmona had an inmate to
 assault me cause I was try to report him Inmate unknown I report it. LT. Cheek and other officers
 working the block same day being report was assaulted and almost stab by an inmate LT. Cheek
 and officer never wrote it up or send me to medical C/O. Robinson did not tell or report when I got
 attacked by two inmates C/O. L. Jones refuse to report the incident and to
 place me house alone say due to supervisor request or orders. Some of these
 incident happen on PC and some on general population report on grievances.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☒ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

on protective custody block with listed Defendants C/O. S. Blacksheer & C/O. A. Jones
 C/O. Robinson C/O. L. Jones and LT. Malloy Deputy warden Cruz and Deputy warden Rose
 Inmate Donte Parker and Eric McDail and Rashone Camber and other inmates
 assault me on PC. While on general population LT. Cheek and C/O. C. Carmona
 Inmate Naim Woodley almost stabbed put assaulted on C2-4 unit I was on GECF

- C. What date and approximate time did the events giving rise to your claim(s) occur?
Nov. 6 or Oct 6, 2020 was reported by or to P-I-L-P on C/O S. Black Sheer and C/O A. Jones on assaults, still shirt after official visit. Other incident been reported but forgot about the dates. Also voluntarily walked to medical to report my ~~statistic~~ problems as soon as it happen.
- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
C/O C. Carmona have an inmate to slap me in the face and assault me cause, I try to report him on a grievance but did not cause, he said he will do it again another C/O saw what happen in the bubble. My celly assault me almost stab me officer's two of them unknown. LT. Cheek was notify but did not right it up or send me down to medical C/O A. Jones and C/O S. Black Sheer pop my door open to assault me I came out with my shirt off I report on grievance and memo sheet to LT. C. Malloy. C/O L. Jones and all the above failure to protective violated Federal right Bill of rights C/O Bobbison Failure to protect while on (PC) protective custody by two inmates attack me. Sgt. V. White, Deputy warden Cruz and Deputy warden Rose Blanche Carley Commissioner Failure to protect and keep me safe when I filed it all on grievances. Forms

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Swallowing face, lumps and nose bleed was force to heal in the cell. PTSD Dealing with pain and suffering from mental Health illness. TALKING slower and respond to question take me a while to respond, Getting hit in the head alot cause me to talk and think slower to react to things.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

5 million U.S Dollar All together with my civil suit cases. TO The Eastern District Courts of PA.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Cumman - Fremhold - Correctional - Facility

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I report all the incident listed above in this packet
I filed it at the Curran-Fromhold Correctional Facility
also thru mail to Blanche Carney and Deputy Warden Cruz
and Deputy Warden Rose Office. AS TO RIHP

2. What did you claim in your grievance?

my rights where being violated and Federal rights was
being violated and my Bill of rights. Ask demand 5 million
U.S DOLLARS. To The Eastern District Courts.

3. What was the result, if any?

NONE waiting to no avail,

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Keep writing grievances form until they get responded.
contact all supervisor Blanche Carney, LT. G. Melloy Sgt V. White,
Deputy Wardens Cruz and Rose.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Some of the incident I did not cause inmate said they will stab me and C/O's Correctional Officer said they will have inmate to come assault me if I was to report them again.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

5 million U.S. Dollars to Eastern District courts.

All the above what is listed above

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Contact Blanche Carney Commissioner of Prison wait to no avail and Deputy Wardens Cruz and Rose RHP and Yall I reported.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Andy Ortiz

Defendant(s) C/O: Amazon C/O: Bailey C/O: Bennett.

2. Court (if federal court, name the district; if state court, name the county and State)

Eastern District of PA

3. Docket or index number

21-CV-3104

4. Name of Judge assigned to your case

Judge: Gerald J. Pappert

5. Approximate date of filing lawsuit

February, 24 - 2021

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Not yet.

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Andy Ortiz

Defendant(s)

P.I. CC

2. Court (if federal court, name the district; if state court, name the county and State)

Eastern District of PA

3. Docket or index number

~~3813~~ 21-CV-3813

4. Name of Judge assigned to your case

Judge: Gerald J. Pappert

5. Approximate date of filing lawsuit

July or June 7 - 2021

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Not yet!

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-9-21

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Andy Ortiz

Andy Ortiz

PP# 1212917

C.F.C.F 7901 State Road

Philadelphia
City

PA
State

19136
Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Andy Ortiz | C.F.C.F/DZ-2

Philadelphia Department of Prisons
Philadelphia, PA 19136

PPN 1212917

7901 State Road
Philadelphia, PA 19136

(legal)
(mail)



U.S.M.S.
X-RAY

Eastern District of PA
Clerk of Courts, EDpa

James A. Byrne U.S. Courthouse

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Philadelphia, PA 19106



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